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Sept. 30, 2016

ORDINANCE NO. 50-331

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00009

Zone change request from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) on property described as:

Hogan-Chism Addition, Wichita, Sedgwick County, Kansas.

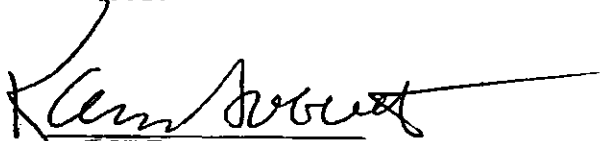
Generally located North of West 29th Street North, West of North Arkansas Avenue.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 27 day of Sept., 2016.

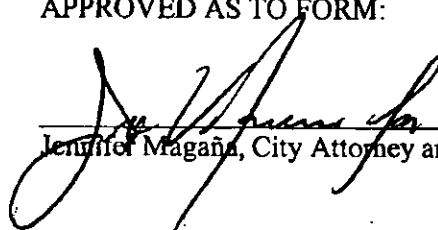
ATTEST:


Karen Sublett, City Clerk


Jeff Longwell, Mayor

(SEAL)

APPROVED AS TO FORM:


Jennifer Magaña, City Attorney and Director of Law



AGENDA ITEM NO. 5

STAFF REPORT

MAPC March 19, 2015

DAB VI March 18, 2015

CASE NUMBER: ZON2015-00009 & CON2015-00008

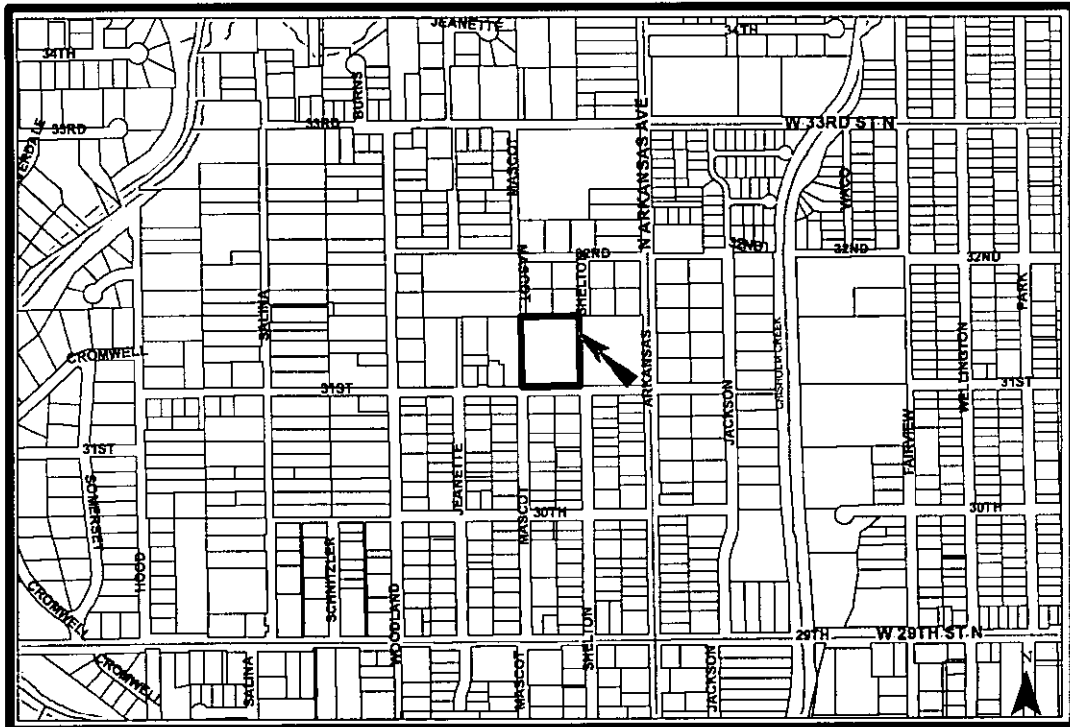
APPLICANT/AGENT: PBP Real Estate, LLC, c/o Chris Lee (applicant/owner) Ruggles & Bohm, P.A., c/o Will Clevenger

REQUEST: TF-3 Two-Family Residential zoning and a Conditional Use to allow multi-family residential density

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: Approximately 2.53-acres

LOCATION: Generally located west of Arkansas Avenue and north of the 31st Street North - Mascot Avenue Intersection



BACKGROUND: The applicant is requesting TF-3 Two-Family Residential zoning on the undeveloped, unplatted 2.53-acre SF-5 Single-Family Residential zoned tract, located west of Arkansas Avenue and north of the 31st Street North – Mascot Avenue intersection. The applicant is also requesting a Conditional Use to allow a mix of single-family and duplex development at a multi-family residential density on the tract. The Wichita-Sedgwick County Unified Zoning Code (UZY) allows a maximum density of 14.5 dwelling units per acre (a total of 36 dwelling units for the site) in the TF-3 zoning district with approval of a Conditional Use; UZY, Sec.III.B.6.c.(1). The TF-3 zoning district requires a minimum lot size of 3,500-square feet for single-family residential and 3,000-square feet per dwelling unit for duplex and multi-family. The applicant proposes to develop nine (9) single-family residences and seven (7) duplexes for a total of 23 living units on the 2.53-acre tract. These would be the first duplexes in area. The proposed density of 23 dwelling units does not exceed the 36 living units that the Conditional Use would allow. The proposed 23 dwelling units exceeds the 18 single-family dwelling units (minimum 6,000-square foot lot) the current SF-5 zoning allows. The site will be required to provide, but not limited to, on-site drainage detention/retention, access, and easements.

The applicant's site plan shows the nine single-family residences located on the east side of the site, separated from the seven duplexes by an access drive. The duplexes run east to west, with their kitchens abutting. The duplexes are separated from the west abutting SF-5 zoned property by another access drive. The development is separated from the north abutting SF-5 zoned property by another access drive. There are three (3) access drives shown on the site plan, which provide internal circulation and access onto 31st Street North. The site plan shows no garages, with parking on the driveway and on a slab in the front yard. The UZY requires one (1) on-site parking space per single-family residence and two (2) parking spaces per duplex. The applicant has stated that residences will be built on a slab with no basements. The site plan shows a detention pond.

SF-5 zoned urban scale and large tract single-family residences (built 1948-2003) and some scattered undeveloped properties abut and are adjacent to the SF-5 zoned site. A TF-3 zoned single-family residence (built 1942) is located south of the site, across 31st Street North. A MF-29 Multi-Family Residential zoned single-family residential development is located two and a half blocks east and a block north of the site; the Savina 5th Addition, recorded June 22, 2007. The Savina 5th Addition has a density that is closest to the site's with 39 lots located within its roughly 6-acres of lots. The SF-5 Ortiz Elementary public school, located two blocks north of the site, off of Arkansas and 33rd Street North, is the largest development in the area. The Arkansas and 33rd Street intersection also has a mostly vacant LC Limited Commercial zoned commercial strip as well as undeveloped LC zoned land located on its northeast corner.

CASE HISTORY: The undeveloped SF-5 zoned subject site is not platted. The site and the area were annexed into the city between 1961-1970.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, MF-29, LC	Single-family residences, undeveloped land, elementary school, mostly vacant commercial strip
SOUTH: SF-5, TF-3	Single-family residences
WEST: SF-5,	Single-family residences,
EAST: SF-5, MF-29	Single-family residences

PUBLIC SERVICES: 31st Street North is a paved residential street with 60 feet of right-of-way at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-5 zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residences and institutional uses such as a parks, schools and churches, but

not duplexes, by right.

The purpose of the TF-3 zoning district is to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses. The TF-3 zoning district is generally compatible with the urban residential and "urban development mix" categories of the Plan.

The UZC allows consideration of a maximum density of 14.5 dwelling units per acre in the TF-3 zoning district as a Conditional Use. 14.5 dwelling units per acre is considered moderate-density residential development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for TF-3 zoning and the Conditional Use request be **APPROVED**, subject to platting within a year of the approval by the governing body and the following conditions:

- (1) The site will be developed with nine (9) single-family residences and seven (7) duplexes for a total of 23 living units on the approximately 2.53-acre site.
- (2) The site will be developed as shown on an approved site plan and in compliance with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The SF-5 zoned urban scale and large tract single-family residences (built 1948-2003) and some scattered undeveloped properties abut and are adjacent to the SF-5 zoned site. A TF-3 zoned single-family residence (built 1942) is located south of the site, across 31st Street North. A MF-29 Multi-Family Residential zoned single-family residential development is located two and a half blocks east and a block north of the site; the Savina 5th Addition, recorded June 22, 2007. The Savina 5th Addition has a density that is closest to the site's with 39 lots located within it's roughly 6-acres of lots. The SF-5 Ortiz Elementary public school, located two blocks north of the site, off of Arkansas and 33rd Street North, is the largest development in the area. The Arkansas and 33rd Street intersection also has a mostly vacant LC Limited Commercial zoned commercial strip as well as undeveloped LC zoned land located on its northeast corner.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and is not developed. The site could be platted to allow multiple single-family residences, with a minimum lot size of 6,000-square feet.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. It also permits institutional uses such as parks, schools and churches by right. The requested Conditional Use allows for a maximum density of 14.5 dwelling units per acre in the TF-3 zoning district. The applicant proposes a mix of duplexes (seven) and single-family residences (nine). The request would not introduce TF-3 zoning into the area, but as proposed it would allow the first duplex development into the area. The impact of duplexes into the area, which are typically seen as rental units, as opposed to the site continuing to be undeveloped is uncertain. Ultimately maintenance of property, undeveloped or developed, depends on the ability and inclination of a property owner, which is an unstable dynamic.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow the site to be developed with nine (9) single-family residences and seven (7) duplexes for a total of 23 living units on the approximately 2.53-acre site, as well as those uses permitted by right in the TF-3 zoning district. The proposed in-fill development is the second most recent for the area, with the last being the MF-29 zoned

Savina 5th Addition's 39 single-family lots located within its roughly 6-acres of lots. The on slab built single-family residences with car ports in the Savina 5th Addition were built in the late 2000s. Denial of the request could impose a financial hardship on the owner. Since 2007 single-family residential development has stalled out, leading to requests for TF-3 zoning and subsequent duplex development on undeveloped SF-5 zoned properties located in the older parts of the city, as in-fill, or in newer SF-5 zoned subdivisions located on the edges of the city. It can be presumed that the duplexes will be rental units, thus decreasing home ownership in the community but providing dwelling units for the community.

- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-5 zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residences and institutional uses such as a parks, schools and churches, but not duplexes, by right.

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- (6) **Impact of the proposed development on community facilities:** All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

